

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| JACQUELINE BRENNER, on behalf of herself and all others similarly situated, | : | Civil Action No. 13-cv-11212 |
| Plaintiff, | : | Class Action Complaint |
| -against- | : | Jury Trial Demanded |
| J. C. PENNEY COMPANY, INC., | : | |
| Defendant. | : | |

**MOTION FOR PRELIMINARY CLASS CERTIFICATION, PRELIMINARY
APPROVAL OF PROPOSED SETTLEMENT, APPROVAL OF FORM AND MANNER
OF NOTICE, AND SETTING OF FINAL FAIRNESS HEARING**

INTRODUCTION

Plaintiff, Jacqueline Brenner, on behalf of the proposed Class and through her attorneys, Meiselman, Packman, Nealon, Scialabba & Baker P.C., hereby moves for an order (1) preliminarily certifying the Class; (2) granting preliminary approval of the proposed Settlement; (3) approving the Settling Parties' proposed form and method of giving notice to the Class of the pendency of this litigation and of the Settlement; (4) directing that notice be given to the putative Class members as approved by the Court; (5) finding that such notice constitutes the best notice practicable under the circumstances; (6) naming Plaintiff and her counsel, Meiselman, Packman, Nealon, Scialabba & Baker P.C., as Representative Plaintiff and Class Counsel; (7) scheduling various dates for requirements and/or obligations of the Settling Parties and Class members as more fully described in the proposed Order filed concurrently herewith; and (8) scheduling a fairness hearing during which the Court will consider (a) the Settling Parties' request for final approval of the Settlement and entry of the proposed Final Order and Judgment, (b) Class Counsel's application for an award of attorneys' fees and reimbursement of expenses, and (c) dismissal of the Action pending before this Court. Defendant consents to this motion.

The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: White Plains, New York
June 28, 2013

Respectfully submitted,

**MEISELMAN, PACKMAN, NEALON,
SCIALLABA & BAKER P.C.**

By: /s/ D. Greg Blankinship

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LOCAL RULE 7.1(a)(2) CERTIFICATE

I hereby certify that counsel for Plaintiff has conferred with Defendant's counsel in a good faith attempt to resolve or narrow the issues concerning this motion before its filing.

/s/ D. Greg Blankinship

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants.

/s/ D. Greg Blankinship